

111TH CONGRESS
1ST SESSION

S. 1034

To amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children’s Health Insurance Program for covered items and services furnished by school-based health clinics.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2009

Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. KERRY, Mr. LEVIN, Mr. DURBIN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children’s Health Insurance Program for covered items and services furnished by school-based health clinics.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy Schools Act
5 of 2009”.

1 **SEC. 2. ASSURANCE OF PAYMENT UNDER MEDICAID AND**
 2 **CHIP FOR COVERED ITEMS AND SERVICES**
 3 **FURNISHED BY CERTAIN SCHOOL-BASED**
 4 **HEALTH CLINICS.**

5 (a) STATE PLAN REQUIREMENT.—Section 1902(a)
 6 of the Social Security Act (42 U.S.C. 1396a(a)), as
 7 amended by section 5006(e)(2)(A) of division B of the
 8 American Recovery and Reinvestment Act of 2009 (Public
 9 Law 111–5), is amended—

10 (1) in paragraph (72), by striking “and” at the
 11 end;

12 (2) in paragraph (73)(B), by striking the period
 13 at the end and inserting “; and”; and

14 (3) by inserting after paragraph (73), the fol-
 15 lowing new paragraph:

16 “(74) provide that the State shall certify to the
 17 Secretary that the State has implemented proce-
 18 dures to pay for medical assistance (including care
 19 and services described in subsections (a)(4)(B) and
 20 (r) of section 1905 and provided in accordance with
 21 section 1902(a)(43)) furnished in a school-based
 22 health clinic, if payment would be made under the
 23 State plan for the same items and services if fur-
 24 nished in a physician’s office or other outpatient
 25 clinic (including if such payment would be included
 26 in the determination of a prepaid capitation or other

1 risk-based rate of payment to an entity under a con-
 2 tract pursuant to section 1903(m)).”.

3 (b) APPLICATION TO CHIP.—Section 2107(e)(1) of
 4 the Social Security Act (42 U.S.C. 1397gg(e)(1)) is
 5 amended—

6 (1) by redesignating subparagraphs (B)
 7 through (D) as subparagraphs (C) through (E), re-
 8 spectively; and

9 (2) by inserting after subparagraph (A), the fol-
 10 lowing new subparagraph:

11 “(B) Section 1902(a)(74) (relating to pro-
 12 cedures to ensure payment for covered services
 13 furnished in a school-based health clinic).”.

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
 15 tion or the amendments made by this section shall be con-
 16 strued to preempt or supersede State or local law with
 17 respect to whether a school-based health clinic provides
 18 family planning services and supplies.

19 (d) EFFECTIVE DATE.—The amendments made by
 20 this section take effect on October 1, 2009.

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